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A. RICHARD PARK, REG. NO. 41241 PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95616			CHOW, CHIH CHING	
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DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/996,126	LOVVIK ET AL.
	Examiner	Art Unit
	Chih-Ching Chow	2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 21 April 2005.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-27 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-27 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 November 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

1. This action is responsive to amendment dated April 21, 2005.
2. Per Applicants' request, Specification, claims 1, 10, and 19 have been amended.
3. Claims 1-27 remain pending.

### ***Response to Amendment***

4. Applicants' amendment dated 04/21/05, responding to the 02/04/2005 Office action provided in the objection of Specification. The examiner has reviewed the updated specification respectfully.
5. The objection to the specification is hereby withdrawn in view of Applicants' amendment to the Specification.
6. Applicants' amendment filed on 04/21/2005, responding to the 02/04/2005 Office action provided in the 35 USC § 101 rejections for claims 1, and 19. The examiner has reviewed the amended claims 1 and 19 respectfully.
7. The rejection to the 35 USC § 101 rejections is hereby withdrawn in view of Applicants' amended claims 1 and 19.
8. Applicants' amendment filed on 04/21/2005, responding to the 02/04/2005 Office action provided in the 35 USC § 102 and 35 USC § 103 rejections for claims 1-27. The examiner has reviewed the amended claims 1, 10, and 19 respectfully.
9. The Examiner is maintaining the 35 USC § 102 and the 35 USC § 103 Rejections. For the Applicants' convenience they are listed as following, with the amendments requested by the Applicants.

### ***Response to Arguments***

10. Applicants' arguments for Claims 1, 10, and 19 have been fully considered respectfully by the examiner but they are not persuasive.

11. Applicants' arguments are basically in the following point:

- “The present invention creates a list of dependent classes for a target class on a first platform-independent machine, which can be shared with a second platform-independent machine ... There is nothing within Gerard, either explicit or implicit, which suggests creating a list of dependent classes for a target class on a first platform-independent machine, which can be shared with a second platform-independent machine.” (see REMARKS page 11, 2<sup>nd</sup> paragraph).

Examiner's Response: In response to applicant's argument that Gerard does not suggest creating a list of dependent classes and the dependent class list can be shared with a second platform-independent machine; the Examiner disagrees on the Applicants' argument. Gerard's disclosure teaches creating a list of dependent classes, see Gerard's column 9, lines 19-22, “For example, a file may be used to store dependency information. Referring to FIG. 7, a file 700 that contains dependency information specifies the dependor class, the version of the dependor class, a list of dependee classes, and a list of valid versions for each dependee class.” Gerard's disclosure also teaches the idea of sharing the dependency information among other platform-independent machines, see Gerard's column 5, lines 54-65, “computer system 100 uses well known **virtual addressing mechanisms** that allow the programs of computer system 100 to behave as if they only have access to a large, single storage entity, instead of access to multiple,

smaller storage entities (e.g., main memory 120 and DASD device 180). Therefore, while certain elements are shown to reside in main memory 120, those skilled in the art will recognize that **these are not necessarily all completely contained in main memory 120 at the same time**. It should be noted that the term ‘memory’ is used herein to generically refer to the **entire virtual memory** of computer system 100” – Gerard’s disclosure implies that the dependency information are shared among other platform-independent machines.

***Claim Rejections - 35 USC § 102***

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claims 1, 3-5, 9-10, 12-14, 18-19, 21-23, 27 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,442,753 by Scott Neal Gerard et al. (hereinafter “Gerard”).

**CLAIM**

1. A method for determining a class dependency that identifies a supporting class on which a target class depends, wherein the target class is defined in an object-oriented programming language, comprising:
  - a. receiving a representation of the target class at a first platform-independent virtual machine;
  - b. creating a model of the target class from the representation;
  - c. analyzing the model to detect references to the supporting class;
  - d. if a supporting class is detected, determining a class dependency for the supporting class;
  - e. creating a list of dependent classes for the target class and supporting classes; and
  - f. sharing the list of dependent classes with a second platform-independent virtual machine so that the second platform-independent virtual machine does not need to create the list of dependent classes.

**Gerard**

Gerard's Abstract, "**A dependency checking apparatus and method** allows checking the version of classes in an **object-oriented program** to assure the proper version is being used for each release of the software." See Gerard column 2, lines 66-67, "According to a first preferred embodiment, **classes themselves** include static code that **checks dependencies** when the class is loaded." For item a and b, see Gerard column 7, lines 61-62, "begins by **determining the dependencies among classes** (step 410)" – in order to do the analysis, a 'target class' should have been received first. For items b and c, Gerard column 7 lined 63-67, "Once the dependencies have been determined, they are checked (step 420). **If all of the dependencies are correct** (step 430=YES), the **object-oriented program** may be executed (step 440). In the alternative, if one or more dependency is not satisfied (step 430=NO), method 400 returns an error (step 450), which causes the object-oriented program to not be run (*analyzing the model to detect references to the supporting class*)."

Also see Gerard's FIG. 4, a 'model' to detect dependencies is disclosed. For items d and e, see Gerard's FIG. 7, the '**Dependor Class**' is same as the target class in current application, and the '**Dependee class**' is same as the supporting class, and the '**List of Dependee Classes**' is the list for

supporting classes, one skilled in the art could easily create a list of dependent classes for both the target class and supporting classes. For item e, see Gerard's column 9, lines 19-22, "For example, a file may be used to store dependency information. Referring to FIG. 7, a file 700 that contains dependency information specifies the dependor class, the version of the dependor class, a list of dependee classes, and a list of valid versions for each dependee class." For item f, see Gerard's column 5, lines 54-65, "computer system 100 uses well known virtual addressing mechanisms that allow the programs of computer system 100 to behave as if they only have access to a large, single storage entity, instead of access to multiple, smaller storage entities (e.g., main memory 120 and DASD device 180). Therefore, while certain elements are shown to reside in main memory 120, those skilled in the art will recognize that these are not necessarily all completely contained in main memory 120 at the same time. It should be noted that the term 'memory' is used herein to generically refer to the entire virtual memory of computer system 100" – Gerard's disclosure implies that the dependency information are shared among other platform-independent machines.

3. The method of claim 1, further comprising saving the list of dependent

For the feature of claim 1 see claim 1 rejection. See FIG. 7, diagram showing

classes to a storage structure.

4. The method of claim 3, wherein the storage structure is one of a hash table and a database.

5. The method of claim 1, wherein creating the list of dependent classes includes creating one of a distribution list and a distribution file.

9. The method of claim 1, further comprising saving the list of dependent classes of the target class as well as the list of dependent classes of the supporting classes in cache to facilitate subsequent lookups of dependent classes of the target class.

10. A computer-readable storage medium storing instructions that when executed by a computer cause the computer to perform a method for determining a class dependency that

**information stored in an external file (storage structure)** in accordance with the second embodiment.

For the feature of claim 3 see claim 3 rejection. See claim 3 rejection, “an external file” can be a database. It is anticipated for those skilled in the art to implement the storage structure using a hash table.

For the feature of claim 1 see claim 1 rejection. See FIG. 1, item 170, Gerard’s disclosure is able to distribute through the internet, also see Gerard column 6, lines 30-33, “those skilled in the art will appreciate that the present invention is **capable of being distributed as a program product** in a variety of forms, and that the present invention applies equally regardless of the particular type of signal bearing media used to actually carry out the distribution.”

Cache memory is also mentioned in Gerard’s disclosure, see column 5, line 5, “Examples of possible additions include: a computer monitor, a keyboard, a **cache memory**, and peripheral devices such as printers.”

Same as Claim 1 rejection. Gerard’s disclosure includes a computer-readable storage medium.

identifies a supporting class on which a target class depends, wherein the target class is defined in an object-oriented programming language, the method comprising:

- › a. receiving a representation of the target class at a first platform-independent virtual machine;
- › b. creating a model of the target class from the representation;
- › c. analyzing the model to detect references to the supporting class;
- › d. if a supporting class is detected, determining a class dependency for the supporting class;
- › e. creating a list of dependent classes for the target class and supporting classes; and
- › f. sharing the list of dependent classes with a second platform-independent virtual machine so that the second platform-independent virtual machine does not need to create the list of dependent classes.

12. The computer-readable storage medium of claim 10, wherein the method further comprises saving the list of dependent classes to a storage structure.

13. The computer-readable storage medium of claim 12, wherein the storage structure is one of a hash table and a database.

14. The computer-readable storage medium of claim 10, wherein creating

For the feature of claim 10 see claim 10 rejection. For the rest of the claim 12 feature see claim 3 rejection.

For the feature of claim 12 see claim 12 rejection. For the rest of the claim 13 feature see claim 4 rejection.

For the feature of claim 10 see claim 10 rejection. For the rest of the claim 14

the list of dependent classes includes creating one of a distribution list and a distribution file.

18. The computer-readable storage medium of claim 10, wherein the method further comprises saving the list of dependent classes of the target class as well as the list of dependent classes of the supporting classes in cache to facilitate subsequent lookups of dependent classes of the target class.

19. An apparatus that determines a class dependency that identifies a supporting class on which a target class depends, wherein the target class is defined in an object-oriented programming language, comprising:

- a receiving mechanism that is configured to receive a representation of the target class at a first platform-independent virtual machine;
- a modeling mechanism that is configured to create a model of the target class from the representation;
- an analysis mechanism that is configured to analyze the model to detect references to the supporting class;
- a supporting mechanism that is configured to determine a class dependency for the supporting class;
- a listing mechanism that is configured to create a list of dependent classes for the target class and supporting classes; and
- a sharing mechanism that is configured to share the list of dependent classes

feature see claim 5 rejection.

For the feature of claim 10 see claim 10 rejection. For the rest of the claim 18 feature see claim 9 rejection.

Same as claim 1 rejection. In order for Gearard's disclosure to work, it has to have 'mechanisms' to implemented all the recited steps.

with a second platform-independent virtual machine so that the second platform-independent virtual machine does not need to create the list of dependent classes.

21. The apparatus of claim 19, wherein the listing mechanism is configured to save the list of dependent classes to a storage structure.

For the feature of claim 19 see claim 19 rejection. For rest of the claim 21 feature see claim 3 rejection.

22. The apparatus of claim 21, wherein the storage structure is one of a hash table and a database.

For the feature of claim 21 see claim 21 rejection. For rest of the claim 22 feature see claim 4 rejection.

23. The apparatus of claim 19, wherein the listing mechanism is configured to create the list of dependent classes, including creating one of a distribution list and a distribution file.

For the feature of claim 19 see claim 19 rejection. For rest of the claim 23 feature see claim 5 rejection.

27. The apparatus of claim 19, further comprising a saving mechanism configured to save the list of dependent classes of the target class as well as the list of dependent classes of the supporting classes in cache to facilitate subsequent lookups of dependent classes of the target class.

For the feature of claim 19 see claim 19 rejection. For rest of the claim 27 feature see claim 9 rejection.

### ***Claim Rejections - 35 USC § 103***

14. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

15. Claims 2, 6-8, 11, 15-17, 20, 24-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,442,753 by Scott Neal Gerard et al. (hereinafter “Gerard”), in view of U.S. Patent No. 5,787,275 by Shih-Gong Li. (hereinafter “Li”).

### CLAIM

2. The method of claim 1, further comprising, identifying classes that an object depends upon by:
  - a. receiving a representation of the object;
  - b. serializing the referenced object;
  - c. parsing the data resulting from the object serialization to identify classes referenced from the target object's properties, configuration, or state; and
  - d. determining the dependent classes of the referenced object.

### Gerard / Li

For the feature of claim 1 see claim 1 rejection. Gerard column 4, lines 2-10, “Each **object** is an identifiable, encapsulated piece of code and data that provides one or more services when requested by a client. Conceptually, an object has two parts, **an external object interface and internal object implementation (representation of the object)**. In particular, all object implementation functions are encapsulated by the object interface such that other objects must communicate with that object through its object interface. The only way to **retrieve, process** or otherwise operate on the object is through the methods defined on the object.” Gerard teaches all aspects of claim 2, but he does not mention ‘serializing the referenced object’, ‘parsing the data’ and ‘determining the dependent classes of the referenced object’ specifically, however, Li teaches these in an analogous prior art. For item a, see Li, column 5, lines 27 to column 6, line 43,

the ‘Inheritance Relationship’, ‘Usage Relationship’ and Implementation Usage Relationship’ all used ‘object’ as the analysis target; see column 5, line 46, “describes that Class Window uses an **object** of Class DeviceContext as the return of GetDevContext method.” And column 6, lines 33-34, “Implementation Usage captures the usage relationships that occurred only in the implementation body of the **object** rather than in the method’s interface”. For item b, see Li column 5, lines 19-20, “The relationships retrieved by the **parser** and **stored in the relation data library** (*serializing*) are preferably described in a predicate form”. For items c and d, see Li column 2, lines 35-37, “First, an object oriented program in an object oriented source code language is **parsed** for the **immediate class relationship data**. (*determining the dependent classes*) The **immediate class** relationship data is stored in a relation data library.”

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to supplement Gerard’s disclosure of the class dependencies analysis by using object analysis taught by Li, for the purpose of identifying and analyzing class relationships in a object oriented system (Li, column 2, lines 23-25).

6. The method of claim 2, further comprising:
  - a. inserting the object into an object

For the feature of claim 2 see claim 2 rejection. For item a, the object is inserted into an object database (*relation*

database;

- b. determining if the target class and supporting classes for the target class are in the class path; and
- c. adding the target class and supporting classes for the target class to the class path if necessary.

7. The method of claim 2, further comprising:

- a. retrieving the object from the object database;
- b. determining if the target class and supporting classes for the target class are in the class path; and
- c. adding the target class and supporting classes for the target class to the class path if necessary.

8. The method of claim 1, further comprising filtering the list of identified classes to remove duplicate and core class references.

*data library*). For items b and c, the class analysis and adding the target class to the class path are performed in Gerard (see claim 1 rejection and Gerard FIG. 4).

For the feature of claim 2 see claim 2 rejection. For item a, see Li, column 10, lines 23-28, “If there are more levels to output, in step 123, the depend level relationship data is retrieved from the facts data library for (A,1,L) where (A,1,L) is the argument list for depend (A,1,L) and A=classname, 1=level number and L=List of dependency data. Next, in step 125, a test is performed to determine whether L=0 which means that the class does not have a dependency list.” Li’s disclosure teaches ‘adding’ or retrieving the object from the object database. For items b and c, the class analysis and adding the target class to the class path are performed in Gerard (see claim 1 rejection and Gerard FIG. 4).

For the feature of claim 1 see claim 1 rejection. Gerard teaches all aspects of claim 2, but he does not mention ‘filtering the list of identified classes’ specifically, however, Li teaches it in an analogous prior art. See Li column 10, lines 11-16, “In step 113, a test is performed to determine whether there is more than one entry in the Processed.sub.-- Table for class A. If so,

it means that the class has already been processed in the session and that there is no need to repeat the following steps (filtering the duplication).”

It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to supplement Gerard’s disclosure of the class dependencies analysis by filtering the duplicated classes taught by Li, for the purpose of saving the storage space.

11. The computer-readable storage medium of claim 10, wherein the method further comprises, identifying classes that an object depends upon by:

- a. receiving a representation of the object;
- b. serializing the referenced object;
- c. parsing the data resulting from the object serialization to identify classes referenced from the target object's properties, configuration, or state; and
- d. if a target class is identified, determining the dependent classes of the target class.

15. The computer-readable storage medium of claim 11, wherein the method further comprises:

- a. inserting the object into an object database;
- b. determining if the target class and supporting classes for the target class are in the class path; and
- c. adding the target class and supporting classes for the target class to the class path if necessary.

For the feature of claim 10 see claim 10 rejection. For the rest of the claim 11 feature see claim 2 rejection.

For the feature of claim 11 see claim 11 rejection. For the rest of the claim 15 feature see claim 6 rejection.

16. The computer-readable storage medium of claim 11, wherein the method further comprises:

- retrieving the object from the object database;
- determining if the target class and supporting classes for the target class are in the class path; and
- adding the target class and supporting classes for the target class to the class path if necessary.

17. The computer-readable storage medium of claim 10, wherein the method further comprises filtering the list of identified classes to remove duplicate and core class references.

20. The apparatus of claim 19, wherein the receiving mechanism is additionally configured to receive a representation of an object;

- a serializing mechanism is configured to serialize the referenced object;
- a parsing mechanism configured to parse the data resulting from the object serialization to identify classes referenced from the target object's properties, configuration, or state; and
- a supporting mechanism that is configured to determine the dependent classes of the target class.

24. The apparatus of claim 20, further comprising:

- an insertion mechanism configured

For the feature of claim 11 see claim 11 rejection. For the rest of the claim 16 feature see claim 7 rejection.

For the feature of claim 10 see claim 10 rejection. For the rest of the claim 17 feature see claim 8 rejection.

For the feature of claim 19 see claim 19 rejection. For the rest of the claim 20 feature see claim 2 rejection.

For the feature of claim 20 see claim 20 rejection. For the rest of the claim 24 feature see claim 6 rejection.

to insert the object into an object database;

- b. a determining mechanism configured to determine if the target class and supporting classes for the target class are in the class path; and
- c. an adding mechanism configured to add the target class and supporting classes for the target class to the class path if necessary.

25. The apparatus of claim 20, further comprising:

- a. a retrieving mechanism configured to retrieve the object from an object database;
- b. a determining mechanism configured to determine if the target class and supporting classes for the target class are in the class path; and
- c. an adding mechanism configured to add the target class and supporting classes for the target class to the class path if necessary.

26. The apparatus of claim 19, further comprising a filtering mechanism configured to filter the list of identified classes to remove duplicate and core class references.

For the feature of claim 20 see claim 20 rejection. For the rest of the claim 25 feature see claim 7 rejection.

For the feature of claim 19 see claim 19 rejection. For the rest of the claim 26 feature see claim 8 rejection.

***Conclusion***

The following summarizes the status of the claims:

35 USC § 102 rejection: Claims 1, 3-5, 9-10, 12-14, 18-19, 21-23, 27

35 USC § 103 rejection: Claims 2, 6-8, 11, 15-17, 20, 24-26

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chih-Ching Chow whose telephone number is 571-272-3693. The examiner can normally be reached on 7:30am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q. Dam can be reached on 571-272-3695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Any inquiry of a general nature of relating to the status of this application should be directed to the **TC2100 Group receptionist: 571-272-2100**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chih-Ching Chow

Examiner

Art Unit 2192

June 24, 2005

cc



ANTONY NGUYEN-BA  
PRIMARY EXAMINER